



Arizona State Board of Pharmacy

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**THE ARIZONA STATE BOARD OF PHARMACY
HELD A REGULAR MEETING MARCH 20, 2013**

MINUTES FOR REGULAR MEETING

AGENDA ITEM 1 – Call to Order – March 20, 2013

President Van Hassel convened the meeting at 9:00 A.M. and welcomed the audience to the meeting.

The following Board Members were present: President Tom Van Hassel, Vice President Jim Foy, William Francis, Kyra Locnikar, Dennis McAllister, Reuben Minkus, John Musil, and Nona Rosas. The following staff members were present: Compliance Officers Rich Cieslinski, Steve Haiber, Ed Hunter, Tom Petersen, Sandra Sutcliffe, Drug Inspectors Melanie Thayer and Cesar Ramirez, Deputy Director Cheryl Frush, Executive Director Hal Wand, and Assistant Attorney General Monty Lee.

AGENDA ITEM 2 – Declaration of Conflicts of Interest

Due to having a “substantial interest” in the matter, Mr. McAllister recused himself from participating under Arizona’s conflict of interest laws in the review, discussion, and proposed actions concerning Agenda Item 14, Schedule P, Complaint #4189.

Due to having a “substantial interest” in the matter, Dr. Musil recused himself from participating under Arizona’s conflict of interest laws in the review, discussion, and proposed actions concerning Agenda Item 14, Schedule P, Complaint #4179.

Due to having a “substantial interest” in the matter, Dr. Foy recused himself from participating under Arizona’s conflict of interest laws in the review, discussion, and proposed actions concerning Agenda Item 8, Schedule M, Special Request for David Wamboldt.

Due to having a “substantial interest” in the matter, Dr. Foy recused himself from participating under Arizona’s conflict of interest laws in the review, discussion, and proposed actions concerning Agenda Item 14, Schedule P, Complaint #4164, Complaint #4181, Complaint #4188, and Complaint #4190.

Due to having a “substantial interest” in the matter, Dr. Foy recused himself from participating under Arizona’s conflict of interest laws in the review, discussion, and proposed actions concerning Agenda Item 16, Reconsideration of the Board’s Decision concerning Complaint #4133.

AGENDA ITEM 3– Approval of Minutes

Following a review of the minutes and an opportunity for questions and **on motion by Dr. Foy and seconded by Ms. Rosas** the minutes of the Regular Meeting held on January 24 & 25, 2013 were unanimously approved by the Board Members.

AGENDA ITEM 4 – Consent Agenda

Items listed on the Consent Agenda were considered as a single action item by the Board Members. **On motion by Mr. Francis and seconded by Ms. Rosas**, the Board unanimously approved the following items listed on the Consent Agenda.

4. (1) Resident Pharmacy Permits – Schedule A RESIDENT PHARMACY PERMITS

Pharmacy	Location	Owner
QoL Meds, LLC	10240 N. 31 st Ave, Ste 210, Phoenix, AZ 85051	QoL Meds
Kingman Regional Medical Center – Huaulapai Mountain Campus	3801 Santa Rosa, Kingman, AZ 86401 (O)	Kingman Hospital Inc.
Sierra Vista Regional Health Center	300 El Camino Real, Sierra Vista, AZ 85635 (O)	RCHP-Sierra Vista, Inc.
Safeway Pharmacy #1487	926 E. Broadway Rd., Tempe, AZ 85282	Safeway, Inc.

(O) = Ownership Change

4. (2) Non-Resident Pharmacy Permits – Schedule B

NON-RESIDENT PHARMACY PERMITS (Out of State)

Pharmacy	Location	Owner
UNA Pharmacy Corporation	1462 Montreal Rd, Suite 101, Tucker, GA 33084	UNA Pharmacy Corporation
Cardinal Health 414, LLC	10400 E. 48 th Ave., Denver, CO 80238	Cardinal Health 414, LLC
Pharmacy Specialties, Inc.	2333 W. 57 th St., Ste 107, Sioux Falls, SD 57108	Pharmacy Specialties, Inc.
DermaTran Health Solutions	1504 Market St., Redding, CA 96001	DermaTran Health Solutions, LLC
Rox San Pharmacy	465 N. Roxbury Dr., Beverly Hills, CA 90210	Rox San Pharmacy Corporation
Eagle Pharmacy, LLC	500 Eagle Landing Dr., Ste. C, Lakeland, FL 33810	WellEnterprises USA, LLC
Navarro Specialty Services, LLC	9400 NW 104 St, #A, Medley, FL 33178	Navarro Specialty Pharmacy, LLC
Wegmans Food Markets, Inc.	2851 Broadway, Cheektowaga, NY 14227	Wegmans Food Markets, Inc.
Carie Boyd's Prescription Shop	122 Grapevine Hwy., Hurst, TX 76094	Richard Appling II
Shared Solutions Pharmacy	17775 W. 106 th St., Suite 101, Olathe, MO 66061	Patient Services and Solutions, Inc.
Advantage Pharmacy LLC	2175 Business Center Park Dr., Memphis, TN 38134	Craig Gilmore
Mission Road Pharmacy	1155 N. Mission Rd., Los Angeles, CA 90033	Mission Road Pharmacy
Right Source	12501 Lakefront Pl., Louisville, KY 40299	Humana Pharmacy, Inc.
Petscriptions	2815 Watterson Trail, Louisville, KY 40299 (O)	Pet360 Inc.
Beescriptions Inc.	460 Glen Cove Ave., Ste. A, Sea Cliff, WY 11579	Beescriptions, Inc.
Greer Pharmacy	639 Nuway Circle, Lenoir, NC 28645 (O)	Greer Laboratories
Advanced Care Rx Pharmacy LLC2	4161 S. Eastern Ave, Ste. A-3, Las Vegas, NV 89119	Eghe Igbinovia
Goodlife Pharmacy	8903 Glades Rd, G13, Boca Raton, FL 33434	Eduardo Gil

(O) = Ownership Change

4. (3) Resident Wholesaler Permits – Schedule C

RESIDENT WHOLEESALER PERMITS

Wholesaler	Location	Owner
Bo McLain Anesthesia, PLLC	12361 W. Bola Dr., Suite 109, Surprise, AZ 85378	Bo McClain, MD

4. (4) – New Pharmacists – Schedule D

The Board approved the 70 New Pharmacist Licenses listed on the attachments.

4. (5)– New Interns – Schedule E

The Board approved the 40 New Intern Licenses listed on the attachments.

4. (6) – New Pharmacy Technicians – Schedule F

The Board approved the 1110 Technicians listed on the attachments.

4. (7) -Pharmacy Technician Trainee Requests for Approval to Reapply for Licensure – Schedule G

The Board approved the following individuals for one additional two year period.

Toni Adair	Angelica Ahumada	Alyssa Andrade
Jose Arciniega	Brittany Armstrong	Alexandria Arzola
Bryan Begay	Renata Benally	Eden Berhane
Holly Busse	Maria Ceballos	Cheryl Collins
Emily Conchas	Keri Cress	Jeremy Denton
Debbra Dufresne	Kristal DuPont	Vanessa Florez
Meghan Floyd	Michelle Foster	Bret Garrett
Stephanie Gonzales	Mary Gragg	Krystal Hampton
IdAlana Harvey	Mildred Heldner	Erendira Hernandez
Krystal Hernandez	Tyzasha Hines	Patricia Hobley
Samantha Inman	Shantzae Jackson	Danielle Kirchhof
Alisha Lance	Jose Landeros	Kurt Landry
Audry Lara	Kaitlyn Levisohn	Ronnie Lindsey
Laura Mabary	Lluvia Marquez	Noel McClain
Jessica McMillen	John Mendoza	Deborah Miller
Anita Mora	Bianca Moreno	Joe Moreno IV
Shawn Munson	Mamadou Niang	Mary Niven-Heidemann
Annabella Nylander	Wila Obena	Jessica Ochoa
Amalia Pacheco	Lizette Pacheco	Chelsea Palacios
Elizabeth Papesh	Alvin Patubo	Alejandra Payan
Ramon Peralta	Sandra Perez	Derek Puente
Felipe Ramirez	Martin Ramirez	Hang Raymond
Consuelo Razo	Ashley Reynolds	Britany Rezzonico
Tammy Rezzonico	Kimberly Robinson	Jose Rodriguez
Lisa Root	Secily Rosadillo	Alexa Salcido
Alexander Sarkisian	Shauna Sheldon	Lacey Smead
Jeffrey Souza	Andres Squire	Dolly Stanley-Begay
Kimberly Sweeter	Luis Tapia	Heidi Taylor
Lissa Triphahn	Rebecca Turner	Ronald Velasquez
Judy Verdugo	Corina Villarreal	Steven Villarreal
Daniel Watkins	Jereca Whiteman	Joseph Witte
Carolina Martinez	Shahram Ziraksari	

4. (8) – Consent Agreements – Schedule H

The Board unanimously agreed to accept the following consent agreements as presented in the meeting book and signed by the respondents. The consent agreements are listed below:

Abigail White - 13-0003-PHR

4. (9) – Complaints with No Violations – Schedule I

The Board unanimously agreed to dismiss the following complaints:

Complaint #4159	Complaint #4162	Complaint #4167
Complaint #4170	Complaint #4177	Complaint #4178
Complaint #4180	Complaint #4182	Complaint #4184
Complaint #4185	Complaint #4186	Complaint #4195
Complaint #4197		

AGENDA ITEM 5– Resident Pharmacy Permits – Schedule J

1. Baywood Pharmacy

President Van Hassel stated that representatives from Baywood Pharmacy were present to answer questions from Board Members

Owners Abimbola Aderibigbe and Adekunle Aderibigbe were present to answer questions from Board Members. Ms. Aderibigbe is also the Pharmacist in Charge.

President Van Hassel opened the discussion by asking the applicants why they were appearing in front of the Board.

Ms. Aderibigbe stated that they are planning to open a new retail pharmacy.

Mr. Van Hassel asked Ms. Aderibigbe if she has ever owned a pharmacy.

Ms. Aderibigbe stated that she is a first time pharmacy owner.

Mr. Van Hassel asked Ms. Aderibigbe to describe her work experience.

Ms. Aderibigbe stated that she has been a pharmacist for 12 years and has worked in various practice settings. Ms. Aderibigbe stated that she has worked in retail and hospital settings. Ms. Aderibigbe stated that she currently works for the VA.

Dr. Musil asked if the owners are the only two members of Canaan Capital Management.

Ms. Aderibigbe replied yes.

Dr. Musil asked Ms. Aderibigbe if she planned to do any compounding.

Ms. Aderibigbe stated that she plans to do non-sterile compounding.

2. VPEX Management

President Van Hassel stated that representatives from VPEX Management were present to answer questions from Board Members.

The following representatives were present: Jim Ayers, Pharmacist in Charge; Bill Barre, Vice President of Business Development, Medimpact; and Keith McFalls, KEM Consulting.

Mr. Van Hassel asked the representatives why they were appearing in front of the Board.

Mr. Barre stated that they were appearing in front of the Board because VPEX Management has applied for a limited service pharmacy permit and are requesting deviations because they would be a non-dispensing pharmacy. Mr. Barre stated that VPEX Management is about the consumer experience. Mr. Barre stated that the VPEX service center would interact with a variety of mail order pharmacies. Mr. Barre stated that the VPEX service center would receive the prescription in various ways. Mr. Barre stated that the patient could mail the prescription to the center, the prescription could be faxed to the center, or the prescription could be sent to the center electronically. Mr. Barre stated that the center would receive the prescription and would assign a unique identifier to each transaction. VPEX would not evaluate or interpret prescription information. Mr. Barre stated that they would not dispense medications. Mr. Barre stated that they would be HIPAA compliant. Mr. Barre stated that once the prescription is scanned the personnel would process the order and perform an analysis to determine to which pharmacy the prescription should be routed. The routing would be based on financial costs or centers of excellence. Mr. Barre stated that the prescription would be dispensed and mailed from the mail order pharmacy. Mr. Barre stated that they are asking for three deviations. Mr. Barre stated that they are asking for a deviation for space since they would not be dispensing. Mr. Barre stated that they are asking for a deviation to applying sequential numbering since a unique transaction number would be attached to each dispensed prescription. Mr. Barre stated that they are asking for a deviation from the prescription transfer policy.

Dr. Foy asked if they are applying as a non-dispensing limited service pharmacy.

Mr. Barre stated that they would be a limited service pharmacy that does not dispense medications.

Mr. McFalls stated that they figured that they would be limited service because they feel that they would fall under the mail order regulations.

Dr. Foy stated that the slide presentation stated that they would not evaluate or interpret prescriptions but they would determine where to route the prescription based on the drug.

Mr. Barre stated that they would only be determining where to route the prescription based on the drug. Mr. Barre stated that they would not evaluate or interpret the prescriber or the dosage and those would be functions of the dispensing pharmacy.

Dr. Foy asked who would review the DURs.

Mr. Barre stated that they would be performed by the pharmacy of record.

Dr. Foy asked if the dispensing pharmacy would have access to the complete profile.

Mr. Barre stated that the dispensing pharmacy would enter the prescription, verify the prescription, and review the DURs. Mr. Barre stated that the VPEX experience is the interaction between the patient and the VPEX Center.

Mr. McAllister asked the applicants to describe the VPEX experience.

Mr. McFalls stated that the VPEX pharmacist could view what prescriptions were filled at the mail order pharmacies and converse with the patient.

Mr. McAllister stated that the process sounds like shared services.

Mr. McAllister asked about the ratio of pharmacists to pharmacy technicians.

Mr. McFalls stated that there would be one pharmacist for every 3 technicians. Mr. McFalls stated that there would be adequate supervision.

Dr. Musil asked who would be responsible for detecting allergies since it appears the VPEX Center would be entering the allergies.

Mr. McFalls stated that the allergy information would be downloaded and should bump against the prescription information when processed.

Dr. Musil asked what would happen if the filling pharmacy missed the allergy.

Mr. McFalls stated that if the patient has acknowledged the allergies and medical conditions, then the dispensing pharmacy would be charged with the error.

Dr. Musil asked if the pharmacist at the VPEX center could stop the prescription from going to the mail order pharmacy if an allergy is detected.

Mr. McFalls stated that the VPEX center is not a dispensing center that it is just a routing system.

Dr. Musil asked if VPEX plans on having a pharmacy fulfillment site in the future.

Mr. Barre replied that they do not own any fulfillment sites.

Mr. Francis asked who determines where to send the prescription once it is received at the hub.

Mr. Barre stated that the pharmacist at VPEX would determine where to route the prescription.

Mr. Francis stated that CMS and the patient do not have any idea where their prescription would be filled.

Mr. Barre stated that the patient is aware that when their prescription is sent to VPEX it would be filled at another pharmacy. Mr. Barre stated that VPEX is serving as a hub and fulfillment would occur at the pharmacy.

Mr. Francis asked what would happen if the prescription was lost in the mail.

Mr. Barre stated that the patient would contact VPEX to resolve the issue, since the actual labeling would have VPEX on the label and show it was distributed by the mail order pharmacy.

Dr. Foy stated that they just stated that VPEX was not a pharmacy but when the patient has a question they can contact VPEX.

Mr. Barre stated that VPEX can obtain patient information from the hub. Mr. Barre stated that they could contact the pharmacy and then call the patient back.

Dr. Foy asked if they own any of the pharmacies involved in the process.

Mr. Barre stated that they are not a pharmacy but route the prescriptions to pharmacies based on cost or if they are a center of excellence.

Dr. Foy asked what they are proposing as the technological advancement for their deviation request.

Mr. Barre stated that they are able to accept the prescription and route the prescriptions to multiple settings for fulfillment.

Dr. Foy asked if the only basis to route a prescription is price.

Mr. Barre stated that price is a consideration. Mr. Barre also stated that the prescription could be routed to a center of excellence, such as a center that fulfills diabetic supplies.

Ms. Locnikar asked how long it takes to fill a prescription at the pharmacy.

Mr. Barre stated that it is an instantaneous process. Mr. Barre stated that if the prescription is clean the prescription should be filled within 24 hours. Mr. Barre stated that they want zero lag time.

Ms. Locnikar asked if there is a financial gain for the company (VPEX).

Mr. Barre stated that they contract with the mail facilities. Mr. Barre stated that they are paid at the standard market rate. Mr. Barre stated that the pharmacies work through a bidding process. Mr. Barre stated that the pharmacy would bid for a particular product. Mr. Barre stated that the consumer would benefit if they have a percentage copay.

Dr. Musil noted that the hub system is not unique and not an advancement.

Mr. Barre stated that this would be an industry leading program for the consumer.

Mr. Van Hassel asked if it the prescription could be sent to multiple pharmacies from the hub.

Mr. Barre replied that the prescription could only be sent to one pharmacy.

Mr. Van Hassel asked if there was a block in the system to stop the prescription from being sent to multiple systems.

Mr. Barre stated that the prescription could only be routed to one pharmacy.

Mr. Van Hassel asked the respondents to explain what happens to the prescription once it arrives at the hub.

Mr. Barre stated that a technician would enter the patient information and the drug. Mr. Barre stated that based on the drug information then the prescription would be routed to the pharmacy.

Mr. Van Hassel asked why VPEX enters the drug name.

Mr. Barre stated that they evaluate the drug for routing purposes.

Mr. Van Hassel asked if the technician is doing data entry.

Mr. Barre stated that the technician enters the drug name and based on the drug name VPEX would route the prescription to the pharmacy that has a contract for that drug. Mr. Barre stated that the full prescription is entered at the filling pharmacy.

Mr. McFalls stated that verification and dispensing occurs at the same filling facility.

Mr. Van Hassel asked if the same patient had prescriptions filled at two different pharmacies does each pharmacy have access to the patient's profile.

Mr. Barre stated that the profiles are linked together so that the pharmacies can share the information.

Mr. Minkus asked how VPEX is obtaining their client base.

Mr. Barre stated that the consumers are clients of Medimpact. Mr. Barre stated that Medimpact does not own fulfillment sites and contracts with pharmacies for services. Mr. Barre stated that clients could be employee groups, health plans, or individuals. Mr. Barre stated that VPEX wants to save the consumer money and allow the consumer to have a better experience. Mr. Barre stated that the ultimate user would be the payers.

Dr. Foy asked about the evaluation of the prescription.

Mr. Barre stated that they are only entering the name and are not interpreting the prescription from the pharmacy standpoint.

Dr. Foy asked if the client could choose the pharmacy.

Mr. Barre stated that the payer could choose a pharmacy situation.

Dr. Foy asked if a patient could choose a pharmacy within the VPEX system.

Mr. Barre stated that they would not be able to choose a pharmacy because their experience would be with VPEX.

Dr. Foy asked if the copay would be the same for the patient.

Mr. Barre stated that the copay could be different for a consumer with a percentage copay.

Dr. Foy asked if the copay could be higher based on fulfillment costs.

Mr. Barre stated that the consumer would not pay more than their stated copay.

Dr. Foy asked about the VPEX experience in relation to the patient. Dr. Foy asked if the patient would call the mail order pharmacy to ask questions about their prescriptions.

Mr. Barre stated that the patient would call VPEX and the patient would not interact with the pharmacy.

Ms. Rosas asked if any prescriptions would be routed to local pharmacies.

Mr. Barre stated that at a local pharmacy the patient would experience their normal PBM experience.

Ms. Rosas asked if they have any VPEX centers in any other states.

Mr. Barre stated no.

Mr. Van Hassel asked about the deviation request for the transfer process.

Mr. Barre stated that the patient would call VPEX and ask for the transfer to a retail pharmacy. Mr. Barre stated that VPEX would then contact the mail order pharmacy to transfer the prescription to the retail pharmacy.

Mr. McAllister stated that he believes that VPEX is practicing pharmacy at some level. Mr. McAllister stated that by sending the information into the virtual world VPEX may leave the patient at risk.

Mr. McFalls stated that they are not transferring any information into the system. Mr. McFalls stated that the fulfillment pharmacy would enter all the prescription information. Mr. McFalls stated that the concept of the hub is for the patient to call the hub. Mr. McFalls stated that VPEX would have pharmacists present that could counsel the patient.

Dr. Musil asked what would happen if a prescription was sent to the pharmacy and the pharmacy did not have the medication.

Mr. Barre stated that the pharmacy would send the prescription back to VPEX and it would be forwarded to another pharmacy.

Dr. Musil stated that the pharmacy could transfer the prescription on their own.

Mr. Barre stated that they could legally transfer the prescription but not contractually.

Ms. Locnikar asked who would be responsible if the patient was counseled on a prescription that was dispensed wrong.

Mr. Barre stated that VPEX would be at fault.

Mr. McFalls stated that VPEX would have all the patient information and if the patient has a question VPEX would answer the question.

Mr. Van Hassel asked if controlled substances would be handled in the same fashion.

Mr. Barre stated yes.

Mr. Van Hassel asked where the hard copies of the controlled substance prescriptions are kept.

Mr. McFalls stated that the original hard copy is sent overnight to the dispensing pharmacy.

A motion was placed on the floor by Dr. Foy and seconded by Mr. Minkus to deny the deviation requests based on A.R.S. § 32-1904 (B) (6) which allows the Board to grant deviations from a state requirement for experimentation and technological advances.

Dr. Foy and Mr. Minkus withdrew their motion.

On motion by Dr. Foy and seconded by Mr. Francis, the Board unanimously agreed to deny the application for licensure and the deviation requests by VPEX Management.

3. Mix Compounding

President Van Hassel stated that a representative from Mix Compounding was present to answer questions from Board Members.

Marc Forster, Pharmacist in Charge, appeared to answer questions from Board Members.

President Van Hassel opened the discussion by asking

Mr. Forster if there was to be a change of ownership at the pharmacy where he is currently the pharmacist in charge.

Mr. Forster stated that the current owner has decided to pursue other interests and the pharmacy has applied for a new permit with new ownership.

Mr. Van Hassel asked Mr. Forster if he had any formal compounding training.

Mr. Forster stated that he had taken a course at PCAA.

Mr. Van Hassel asked if he planned to do any sterile compounding.

Mr. Forster replied no.

Mr. Van Hassel asked about the background of the new owner.

Mr. Forster stated that the new owner is his sister-in-law and she has been doing marketing for the pharmacy.

Mr. McAllister asked Mr. Forster if he is currently working at the pharmacy.

Mr. Forster said yes.

4. Xpress Care Pharmacy #5

President Van Hassel stated that a representative from Xpress Care Pharmacy #5 was present to answer questions from Board Members.

Jackie Phan, Owner and Pharmacist in Charge, was present to answer questions from Board Members.

Mr. Van Hassel asked Ms. Phan to describe her business.

Ms. Phan stated that the pharmacy would be an independent pharmacy.

Mr. Van Hassel asked Ms. Phan if she owned other pharmacies.

Ms. Phan stated that they do own other pharmacies.

Mr. Van Hassel asked Ms. Phan who would be their wholesale provider.

Ms. Phan stated that their wholesale provider would be Cardinal Health.

Mr. Van Hassel asked Ms. Phan if she ever had issues with Cardinal providing controlled substances to her pharmacies.

Ms. Phan stated that Cardinal had reduced or limited the number of controlled substances that they had sent to their pharmacies because one pharmacy had filled a large number of controlled substance prescriptions because they were located next to a pain management practice.

5. Banner Compounding Pharmacy

President Van Hassel stated that representatives from Banner Compounding Pharmacy were present to answer questions from Board Members.

Butch David, System Director of Ambulatory Pharmacy, and Misty Vo, Pharmacist in Charge, were present to answer questions from Board Members.

President Van Hassel opened the discussion by asking the applicants to describe their pharmacy business.

Mr. Davis stated that they would be compounding prescriptions for Banner Hospitals. Mr. Davis stated that they would be doing sterile compounding for IV solutions.

Mr. Van Hassel asked if they would be compounding medications for anyone outside of the hospital.

Mr. Davis stated that they are considering compounding for the Banner hospitals in Colorado.

Dr. Musil asked if the prescriptions would be patient specific.

Ms. Vo stated that some prescriptions would be patient specific but the majority would be non-specific.

Dr. Musil stated that if the amount exceeds the 5% limit then they would need a manufacturer's permit.

Mr. Davis stated that they plan to obtain a manufacturer's permit but they thought they needed to obtain the pharmacy permit first.

Mr. Van Hassel asked if the permit should be tabled until a manufacturer's permit is obtained.

Mr. Lee stated that the Board could approve the application if they follow the pharmacy regulations and are filling patient specific prescriptions.

On motion by Dr. Foy and seconded by Mr. McAllister, the Board unanimously approved the following Resident Pharmacy Permits:

RESIDENT PHARMACY PERMITS

Pharmacy	Location	Owner
Baywood Pharmacy	6641 E. Baywood Ave., Suite A1, Mesa, AZ 85206	Canaan Capital Management
Mix Compounding	7110 E. McDonald Dr., #C-1, Scottsdale, AZ 85253 (O)	Mix Compounding
Xpress Care Pharmacy #5	2007 W. Bethany Home Rd., Phoenix, AZ 85015	Phat Tai LLC
Banner Compounding Pharmacy	7300 W. Detroit St., Chandler, AZ 85224	Banner Health

(O) = Ownership Change

AGENDA ITEM 6– Resident Wholesaler Permits – Schedule K

1. Freedom Healthcare

Freedom Healthcare asked to table their application request until the next meeting.

AGENDA ITEM 7– Resident Manufacturer Permits – Schedule L

1. Anumed International LLC

President Van Hassel stated that a representative from Anumed International was present to answer questions from Board Members.

John Rose, Manager, was present to answer questions from Board Members.

President Van Hassel opened the discussion by asking Mr. Rose why he wants to appear in front of the Board.

Mr. Rose stated that his company is applying for a manufacturer permit to satisfy a requirement from DEA. Mr. Rose stated that they are an FDA registrant.

Mr. Van Hassel asked if they have an FDA license.

Mr. Rose stated that they are registered with the FDA but the products they manufacture are homeopathic products.

Mr. Wand indicated that they have a re-labeler registration from the FDA. Mr. Wand stated that they do not have to have the products approved because they are homeopathic products.

Mr. Van Hassel asked what are the major products that Anumed handles.

Mr. Rose stated that the products are homeopathic products. Mr. Rose stated that they manufacture capsules, creams, and liquids. Mr. Rose stated that they are seeking a DEA registration and must have a license issued by the Board and it was recommended that they apply for a manufacturer license. Mr. Rose stated that they follow Good Manufacturing Practices.

On motion by Mr. Francis and seconded by Ms. Locnikar, the Board unanimously agreed to approve the permit application for Anumed International LLC.

AGENDA ITEM 8 -Special Requests- Schedule M

#1 Stephanie Underwood

Stephanie Underwood appeared on her own behalf to request that the probation imposed on her pharmacist license per Board Order 08-0029-PHR be terminated. Lisa Yates from the PAPA program was also present.

President Van Hassel opened the discussion by asking Ms. Underwood why she was appearing in front of the Board.

Ms. Underwood stated that she is requesting that the Board terminate her probation.

Mr. Van Hassel asked Ms. Underwood what is different in her life.

Ms. Underwood stated that she is living an entirely different life.

Mr. Van Hassel asked Ms. Yates about Ms. Underwood's progress.

Ms. Yates stated that Ms. Underwood had been compliant throughout her program.

Mr. Van Hassel asked Ms. Underwood if she is working.

Ms. Underwood replied yes.

On motion by Dr. Foy and seconded by Ms. Rosas, the Board unanimously approved the request by Ms. Underwood to terminate the probation of her pharmacist license imposed by Board Order 08-0029-PHR.

#2 David Wamboldt

Dr. Foy was recused due to a conflict of interest.

David Wamboldt appeared on his own behalf to request that the probation imposed on his pharmacist license per Board Order 08-0050-PHR be terminated. Lisa Yates from the PAPA program was also present.

President Van Hassel opened the discussion by asking Mr. Wamboldt why he was appearing in front of the Board.

Mr. Wamboldt stated that he would like the Board to remove his probation.

Mr. Van Hassel asked Ms. Yates about Mr. Wamboldt's participation in the program.

Ms. Yates stated that Mr. Wamboldt was compliant.

Mr. Van Hassel asked Mr. Wamboldt about the changes in his life.

Mr. Wamboldt stated that life has a new meaning. Mr. Wamboldt stated that he enjoys many things and can deal with life on life's terms. Mr. Wamboldt stated that he enjoys helping others in recovery and will continue to help others with their recovery.

Mr. Van Hassel asked Mr. Wamboldt if he was working.

Mr. Wamboldt replied that he has worked continuously.

On motion by Dr. Musil and seconded by Mr. Minkus, the Board unanimously approved the request by Mr. Wamboldt to terminate the probation of his pharmacist license imposed by Board Order 08-0050-PHR.

AGENDA ITEM 9– License Applications Requiring Board Review – Schedule N

#1 Randy Bohart

Randy Bohart appeared on his own behalf to request to proceed with reciprocity.

President Van Hassel opened the discussion by asking Mr. Bohart why he was appearing in front of the Board.

Mr. Bohart stated that he would like to reciprocate his pharmacist license to Arizona.

Mr. Van Hassel asked if the California Board had taken any actions against Mr. Bohart.

Mr. Bohart stated that he received two citations and fines from the California Board. Mr. Bohart stated that the first citation was for completion of the self-inspection form. Mr. Bohart stated that he downloaded the wrong form and was cited for completing the wrong form. Mr. Bohart stated that the second citation was for having expired medications in the refrigerator. Mr. Bohart stated that the pharmacy makes IV medications and had prepared a medication for a patient who was to be discharged. Mr. Bohart stated that the patient was not discharged and the technician placed the medication in the refrigerator and did not remove the medication from the refrigerator when it expired. Mr. Bohart stated that the Board came to the pharmacy and found the expired medication in the refrigerator. Mr. Bohart stated that there was no intention to use the medication.

Mr. Van Hassel asked Mr. Bohart why he did not mark on his application that he had disciplinary action. Mr. Bohart stated that citations are non-disciplinary actions in California.

Mr. McAllister stated that when he attended the California Board meeting it was noted that 34 out of 35 pharmacies were cited for the self-inspection forms.

On motion by Mr. McAllister and seconded by Dr. Musil, the Board unanimously agreed to approve the request by Mr. Bohart to proceed with reciprocity.

#2 Marcellino Miguel

Marcellino Miguel appeared on his own behalf to request to proceed with pharmacy technician trainee licensure

President Van Hassel opened the discussion by asking Mr. Miguel why he was appearing in front of the Board.

Mr. Miguel stated that he is appearing in front of the Board to proceed with pharmacy technician trainee licensure.

Mr. Van Hassel asked Mr. Miguel why he wanted to be a pharmacy technician.

Mr. Miguel stated that he developed an interest in medications as a result of his father's death.

Mr. Van Hassel asked Mr. Miguel about his felony charges.

Mr. Miguel stated that in 2008 he was charged with illegal trafficking of aliens. Mr. Miguel stated that he served time in the federal prison. Mr. Miguel stated that he was required to spend time at a halfway house. Mr. Miguel stated that he was at the halfway house when his father passed and he was allowed a 24 hour pass. Mr. Miguel stated that he did not return to the halfway house in 24 hours and was charged with escape from the halfway house. Mr. Miguel stated that he was going through a bad time when his father passed.

Dr. Foy asked Mr. Miguel what he has been doing since his release.

Mr. Miguel stated that he has been taking classes for the last 8 months to become a pharmacy technician.

Mr. Van Hassel asked Mr. Miguel if he has completed his course work.

Mr. Miguel stated that he needs his pharmacy technician trainee license to complete his course work.

Ms. Rosas asked Mr. Miguel if he is still on probation.

Mr. Miguel stated that his probation ends in May of this year.

On motion by Mr. McAllister and seconded by Dr. Musil, the Board unanimously agreed to approve the request by Mr. Miguel to proceed with pharmacy technician trainee licensure.

AGENDA ITEM 10– Saliba’s Extended Care Pharmacy Deviation Request to allow Pharmacists and Technicians to work at home

The following individuals were present to answer questions concerning Saliba’s Extended Care Pharmacy’s request to deviate from R4-23-1104 which requires a pharmacy technician to work under the supervision of a pharmacist: Richard England, Director of Operations and John Saliba, Owner.

President Van Hassel opened the discussion by asking the individuals about the nature of their request.

Mr. England stated that they are asking permission to deviate from the rules to allow their pharmacists and technicians to work at home. Mr. England stated that the pharmacists would be verifying prescriptions at home and the pharmacy technicians would be doing data entry only. Mr. England stated that only the top performing technicians would be given the opportunity to work at home.

Mr. McAllister asked if they have the capability to track the work that is being done at home.

Mr. Saliba stated that they have a document management system that would track which employee has completed the task and the volume of tasks the employee has completed.

Mr. McAllister asked about the equipment in the home.

Mr. Saliba stated that they would be supplying the equipment. Mr. Saliba stated that the equipment would be disabled so that no information could be downloaded. Mr. Saliba stated that they would be using a VPN secure connection.

Mr. Van Hassel asked if the employees would be using any of their own equipment.

Mr. Saliba stated that they would supply the computer but the employee could use their own keyboard or mouse if they preferred.

Mr. England stated that all transport of the equipment would be done by the pharmacy IT department.

Dr. Musil asked about the security of the system.

Mr. England stated that IT department would be maintaining the equipment and the security system.

Dr. Musil asked if they would be able to conduct any audits.

Mr. England indicated that the pharmacy supervisor or the data entry supervisor could conduct audits.

Dr. Musil asked how they would ensure that no one else was in the room with the employee.

Mr. Saliba stated that they would trust the employee.

Mr. England stated that they could install a camera if it was necessary.

Dr. Foy asked about the statement in the policies about loaning a computer.

Mr. Saliba stated that they would own all the equipment but the employee must provide their own ISP provider.

Dr. Foy stated that he read in the policies that IT would not be allowed to come to the home.

Mr. Saliba stated that IT would be allowed to go to the home to set up and maintain the equipment. Mr. Saliba stated that IT would not be allowed to go to the home without setting up an appointment.

Ms. Locnikar asked what the advantage was to having employees work at home.

Mr. Saliba stated that this is an option to retain employees.

Mr. England stated that they feel that efficiency is increased and the number of errors is decreased when the employee is sequestered.

Mr. Minkus asked if the option to work at home would be offered to all employees.

Mr. Saliba stated that the offer would only be made to the highest quality employees who meet specific criteria.

Mr. McAllister stated that since the Board is able to write rules again rules should be written to allow the remote processing of work and allow the staff to approve the request.

On motion by Mr. McAllister and seconded by Ms. Rosas, the Board unanimously agreed to approve the deviation request of R4-23-1104 by Saliba's Extended Care Pharmacy to allow pharmacists and pharmacy technicians to work remotely. The request was approved based on experimental and technological advances.

AGENDA ITEM 11- Waiver Study Report – Presentation by Steve Warren (University of Arizona Pharmacy Student) regarding his study on waivers issued by the Board

President Van Hassel introduced Mr. Warren and stated that Mr. Warren has worked on a project for the Board

Mr. Warren is a PharmD candidate at the University of Arizona.

Mr. Warren stated that he prepared a report on the waivers that were requested from 2002 through 2012. Mr. Warren stated that he reviewed the minutes to find the waivers that were either granted or denied by the Board. Mr. Warren broke down the waivers by year and the number of requests that were made each year.

Mr. Warren stated that there were 51 waiver requests and 48 waivers were granted. Mr. Warren stated that he contacted the companies to see if the waiver was still being used. Mr. Warren stated that he did not receive a response from one company that had four waivers. Mr. Warren stated that it was confirmed that 17 waivers are still in use and 3 are obsolete due to rule changes.

Mr. Warren stated that he has provided a chart showing the active waivers details.

Mr. McAllister stated that he is pleased to see the report. Mr. McAllister stated that the chart could be used to determine what rules need to be written to prevent the Board from issuing deviations for the same rules over and over again.

AGENDA ITEM 12 – Reports

Executive Director

Budget Issues

Mr. Wand reviewed the financial reports with the Board Members for the current budget.

Personnel

Mr. Wand stated that he had received approval to hire the new administrative assistant and that position has been filled.

Mr. Wand stated that he has received approval to hire an additional compliance officer. Mr. Wand stated that the Board office has received about 50 applications for the position and interviews will be conducted soon for selected candidates.

Mr. Wand stated that the Compliance staff had planned to attend the Sterile Compounding Boot Camp but all the classes for the year have been filled.

Audit

Mr. Wand stated that the state is conducting the Sunset audit and the final results should be completed in June.

Review of Non-Resident Permits and Arizona Pharmacist in Charge Requirements

Mr. Wand stated that he has received a letter from a pharmacist regarding the compliance with Arizona regulations by Non-Resident pharmacies.

Mr. Wand stated that he has received calls concerning the need for a non-resident pharmacy to have a Pharmacist in Charge licensed in Arizona.

Mr. Wand stated that these topics could be placed on a future agenda for discussion by the Board.

Mr. McAllister stated that originally the Board was concerned about the non-resident pharmacy not having an individual that knew the Arizona laws, so that is why the Board required the Pharmacist in Charge to be licensed in Arizona. Mr. McAllister stated that he feels that the Board could take action against the firm and possibly remove the requirement for the pharmacist in charge.

Dr. Musil suggested that the application could be changed to have the pharmacy attest to the fact that they would follow Arizona laws.

The Board Members recommended opening a complaint against the non-resident pharmacy from the letter.

Deputy Director Report

Ms. Frush reviewed the Compliance Officers Activity Report and the Drug Inspector Report with the Board Members. During the months of January and February, the Compliance Staff issued letters for the following violations:

Pharmacy Violations

1. Current immunization certificates not available – 3
2. Outdated products – 3

Controlled Substance Violations

1. Controlled Substance Overage -14
2. Controlled Substance Shortage -8
3. Controlled Substance Inventory upon change of Pharmacist in Charge incomplete - 1
4. Controlled Substance Invoices not readily retrievable - 1

Documentation Violations

1. Incomplete documentation of allergy information – 1
2. Claims for services not provided - 1

The following areas were noted on the inspection reports for improvement:

1. Filing of invoices

Areas outside the inspection reports that may be of interest:

1. Termination of employees for unprofessional conduct must be reported immediately
2. Commercially available products cannot be compounded
3. Medication vials should not be placed on the shelf without labeling
4. Automated dispensing machine documentation
5. Media fills required if preparing sterile products
6. Only pharmacists can offer counseling

PAPA Report – Schedule O

Lisa Yates was present to represent the PAPA program. Ms. Yates stated that there are a total of forty-seven (47) participants in the PAPA program. Ms. Yates stated that since her last report on January 24, 2013, there has been one (1) new person that has entered the program.

AGENDA ITEM 13 – Presentation By the Assistant Attorney General concerning Open Meeting Laws and Motions

Assistant Attorney General, Monty Lee, reviewed the Open Meeting Laws with the Board Members.

Assistant Attorney General, Monty Lee, reviewed the proper method to make a motion, the form of the motion, and voting on a motion.

AGENDA ITEM 14– Complaint Review – Consideration of Complaints on Schedule P

President Van Hassel opened the discussion by stating the Board Members would review all the complaints on schedule P.

Complaint #4160

On motion by Mr. McAllister and seconded by Dr. Musil, the Board unanimously agreed to offer both pharmacists involved in the incident a Consent Agreement with the following terms: A fine of \$250 and 8 hours of CE on patient safety. The Board also unanimously agreed to offer the pharmacy technician a Consent Agreement with the following terms: 8 hours of CE on patient safety.

Complaint #4161

On motion by Mr. McAllister and seconded by Ms. Locnikar, the Board unanimously agreed to ask the pharmacist and the permit holder to appear for a conference.

Complaint #4163

On motion by Mr. Van Hassel and seconded by Dr. Musil, the Board unanimously agreed to issue the pharmacist an advisory letter concerning the final accuracy check of the prescription.

Complaint #4164

Dr. Foy was recused due to a conflict of interest.

On motion by Dr. Musil and seconded by Mr. Francis, the Board unanimously agreed to offer the pharmacist a Consent Agreement with the following terms: A \$250 fine, 4 hours of CE on Counseling and 4 hours of CE on pediatric dosing. If the Consent is not signed, then the case would proceed to hearing.

Complaint #4168

On motion by Mr. Francis and seconded by Mr. McAllister, the Board unanimously agreed to issue the pharmacist an advisory letter concerning the final accuracy check of the prescription and the required documentation for counseling.

Complaint #4172

On motion by Dr. Foy and seconded by Mr. Minkus, the Board unanimously agreed to dismiss the complaint.

Complaint #4173 and #4174 (same pharmacy)

On motion by Mr. McAllister and seconded by Mr. Van Hassel, the Board unanimously agreed to ask the pharmacist in charge and the permit holder to appear for a conference.

Complaint #4179

Dr. Musil was recused due to a conflict of interest.

On motion by Mr. Van Hassel and seconded by Ms. Rosas, the Board unanimously agreed to offer both pharmacists a Consent Agreement with the following terms: a fine of \$250.

Complaint #4181

Dr. Foy was recused due to a conflict of interest.

On motion by Ms. Locnikar and seconded by Dr. Musil, the Board unanimously agreed to dismiss the complaint.

Complaint #4183

On motion by Mr. McAllister and seconded by Mr. Van Hassel, the Board unanimously agreed to issue an advisory letter to the pharmacist concerning the clarification of the prescription information.

Complaint #4187

On motion by Mr. McAllister and seconded by Dr. Foy, the Board unanimously agreed to ask the permit holder to appear for a conference.

Complaint #4188

Dr. Foy was recused due to a conflict of interest.

On motion by Dr. Musil and seconded by Mr. McAllister, the Board unanimously agreed to issue an advisory letter to the pharmacist and the pharmacy technician concerning the order data entry is for the correct prescriber.

Complaint #4189

Mr. McAllister was recused due to a conflict of interest.

On motion by Dr. Foy and seconded by Mr. Van Hassel, the Board unanimously agreed to dismiss the complaint.

Complaint #4190

Dr. Foy was recused due to a conflict of interest.

On motion by Mr. McAllister and seconded by Mr. Van Hassel, the Board unanimously agreed to issue an advisory letter to the pharmacist and pharmacy technician concerning the use of technology to verify that the correct medication is dispensed.

Complaint #4200

On motion by Mr. Van Hassel and seconded by Mr. McAllister, the Board unanimously agreed to offer the pharmacy technician a Consent Agreement with the following terms: Standard PAPA agreement.

The Board also requested that a complaint be opened against the permit holder for unethical conduct in not reporting the incident when it occurred.

AGENDA ITEM 15 – Proposed Rules- Schedule Q

1. Pharmacy Facilities and Equipment Rules

President Van Hassel asked Ms. Sutcliffe to address this agenda item.

Ms. Sutcliffe stated that at the last Board meeting the Board requested that Mr. Wright change the required distance for the toilet facilities from the pharmacy. Ms. Sutcliffe stated that the distance has been set at 100 feet or an alternative distance could be approved by the Board or its designee.

The Board authorized Ms. Sutcliffe and Mr. Wright to proceed with the rulemaking.

2. Pharmacist Licensure, Intern Licensure, Pharmacy Technician Trainee Licensure

President Van Hassel asked Ms. Sutcliffe to address this agenda item.

Ms. Sutcliffe stated that she opened a docket to update the licensure regulations. Ms. Sutcliffe stated that the Board has determined that several sections of the rules need to be amended to reflect changes in the application and registration process. Ms. Sutcliffe stated that the Board now has an online application and NABP has adopted online processes for testing.

Ms. Sutcliffe stated that time frames for substantive and administrative review of license applications also need to be amended.

The Board authorized Ms. Sutcliffe to proceed with the rule writing.

AGENDA ITEM 16 – Reconsideration of the Board's Decision concerning Complaint #4133

Dr. Foy was recused due to a conflict of interest.

President Van Hassel stated that the respondent is requesting that the Board reconsider their decision to offer her a consent agreement because she did not respond to the complaint.

Mr. Van Hassel stated that it appears the Pharmacist in Charge answered the complaint and printed the pharmacist's name at the bottom of the form giving the appearance that she responded to the complaint.

Mr. Van Hassel stated that the Board has now received a response from the pharmacist that received the consent agreement.

On motion by Mr. McAllister and seconded by Ms. Rosas, the Board unanimously agreed to withdraw the consent agreement.

On motion by Mr. McAllister and seconded by Mr. Van Hassel, the Board unanimously agreed to issue the pharmacist an advisory letter concerning patient safety.

The Board Members have requested that the Compliance Staff ask all respondents to type their responses.

AGENDA ITEM #17 – Update on Compounding Task Force Meeting

Dr. Musil addressed this agenda item.

Dr. Musil stated that the first meeting was more of an informal meeting with the introduction of the task force members.

Dr. Musil stated that the task force discussed having separate licenses for compounding pharmacies.

Dr. Musil stated that the task force looked at the rules to see if separate requirements could be put in place for resident and non-resident pharmacies.

Dr. Musil stated that the task force talked about compounding during shortages and the appropriate way it should be handled.

Dr. Musil stated that the task force talked about the compounding of medications for office use and the 5% limit.

Dr. Musil stated that the task force talked about accreditation and if the pharmacists should have to be certified to compound.

Mr. Wand stated that the Board may want to consider a higher fee for non-resident pharmacies to allow for inspections.

AGENDA ITEM 18 – Call to the Public

President Van Hassel announced that interested parties have the opportunity at this time to address issues of concern to the Board; however the Board may not discuss or resolve any issues because the issues were not posted on the meeting agenda.

No one came forth to address the Board.

AGENDA ITEM 19 – Future Agenda Items

The Board Members listed the following items as future agenda items:

1. Non-Resident Pharmacist in Charge required
2. Non-Resident Pharmacy not following Arizona regulations
3. Rules that need to be written so the Board does not have to approve deviation requests for the same practices

AGENDA ITEM 20 – Adjournment

There being no further business to come before the Board, President Milovich adjourned the meeting at 2:25 P.M.